

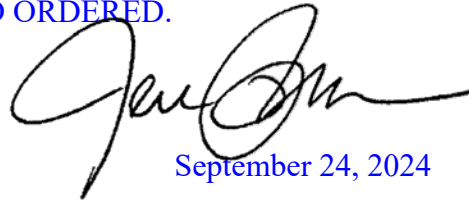
September 23, 2024

VIA CM/ECF

Honorable Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
Courtroom 1105
40 Foley Square
New York, NY 10007

Application GRANTED. The Clerk of Court is directed to terminate Doc. # 355.

SO ORDERED.



September 24, 2024

Re: *United States v. Skye Xu*, No. 1:23-cr-00133-JMF-5

Dear Judge Furman:

We write respectfully to request that the Court grant Defendant Skye Xu (“Mr. Xu”) leave to file a combined Letter Reply to the Letter Oppositions filed by (i) Polar and Cravath and (ii) the Government to Mr. Xu’s Letter Motion for Leave to Subpoena Under Rule 17(c).

Mr. Xu filed his Letter Motion on September 13, 2024. (ECF No. 326.) On the court-ordered deadline for doing so, counsel representing Polar and Cravath emailed a Letter Opposition to Your Honor’s chambers (*see* 9/23/24 7:12 pm ET email from Benjamin Spiegel), and the Government filed a Letter Opposition (*see* ECF No. 354).

Mr. Xu respectfully requests leave to file a single, 7-page Letter Reply responding jointly to both oppositions. Such leave should be granted because the subpoenas Mr. Xu seeks leave to serve are of unique importance given the unusual posture of this case. As explained in Mr. Xu’s Letter Motion, Cravath on behalf of Polar essentially acted as the fact-finding arm of the Government in this case, including by directly collecting, filtering, and providing most of the documents relied on by the Government. Indeed, the instant indictment against Mr. Xu resulted from the evidence and recommendations presented by Cravath to prosecutors. Mr. Xu should therefore be permitted to set forth his full arguments in response to Polar, Cravath, and the Government.

If granted such leave, Mr. Xu will file his reply letter by no later than Monday, September 30, 2024. We thank the Court for its attention to this matter.

Best regards,

/s/

Michael Zweiback
Attorney for Defendant Skye Xu

Hon. Jesse M. Furman
September 23, 2024
Page 2

CC:

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